


Application Number 	Application/Control No. 09/890,441	Applicant(s)/Patent under Reexamination UCHINO ET AL.	
Document Code - DISQ	Internal Document – DO NOT MAIL		

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : November 30, 2006	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	<u>04-Dec-06</u>	APPL. S. N:	<u>09890441</u>
To Examiner:	<u>WILLIAMS, LAWRENCE</u>	Art Unit	<u>2611</u>
From	<u>Jefferson, Henry</u> PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	<u>JEF-2D68</u>

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
 - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____

Application No. 09/890,441
Terminal Disclaimer

Customer No. 01933

Attorney Docket No. 01447/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Masaharu UCHINO et al
Serial No. : 09/890,441
Confirm. No.: 3048
Filed : July 25, 2001
For : WANDER GENERATOR, AND
DIGITAL LINE TESTER AND
PHASE NOISE TRANSFER
CHARACTERISTIC ANALYZER
USING THE SAME
Art Unit : 2631
Examiner : Dung X Nguyen

This paper is being submitted via
EFS-Web on November 30, 2006

In the event that this Paper is
late filed, and the necessary
petition for extension of time is
not filed concurrently herewith,
please consider this as a
Petition for the requisite
extension of time, and to the
extent not already paid,
authorization to charge the
extension fee to Account
No. 06-1378. In addition,
authorization is hereby given to
charge any fees for which payment
has not been submitted, or to
credit any overpayments, to
Account No. 06-1378.

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

The owner of a 100% interest in the above-identified present
application, namely the Assignee of record:

Assignee: ANRITSU CORPORATION

Assignment recorded on: July 25, 2001
Reel: 012186 Frame: 0373

hereby disclaims, except as provided below, the terminal part of
the term of any patent granted on the above-identified present

application which would extend beyond the expiration date of the full statutory term (defined in 35 USC 154 to 156) of commonly owned USP 6,854,068.

The owner also hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and USP 6,854,068 are commonly owned.

In making the above disclaimer, there is no disclaimer of the terminal part of any patent granted on the present application that would extend to the expiration of the full statutory term (as defined in 35 USC 154 to 156) of USP 6,854,068, in the event that USP 6,854,068: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a Court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

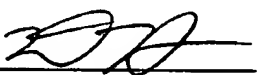
This Agreement is to run with any patent granted on the present application and is to be binding upon the grantee, its successors or assigns.

The undersigned is an attorney of record in the present application and has been authorized to sign this Terminal Disclaimer on behalf of the above-identified owner.

Application No. 09/890,441
Terminal Disclaimer

Customer No. 01933

The Patent Office fee of \$130.00 under 37 CFR 1.20(d) is being paid by credit card herewith. If any further fees are required, authorization is given to charge same against Account No. 06-1378.

By: 
Douglas Holtz
Attorney of Record
Reg. No.: 33,902

DH:iv
encs.